

1 **WO**

2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Federal Trade Commission,

10 Plaintiff,

11 v.

12 James D. Noland, Jr., et al.,

13 Defendants.  
14

No. CV-20-00047-PHX-DWL

**ORDER**

15 Rule 42 of the Federal Rules of Civil Procedure grants the Court authority to  
16 consolidate actions before the Court if they “involve a common question of fact.”  
17 “District courts enjoy substantial discretion in deciding whether and to what extent to  
18 consolidate cases,” *Hall v. Hall*, 138 S. Ct. 1118, 1131 (2018), and “may consolidate  
19 cases *sua sponte*.” *In re Adams Apple, Inc.*, 829 F.2d 1484, 1487 (9th Cir. 1987). *See*  
20 *also* 9A Wright & Miller, Fed. Prac. & Proc. § 2382 (2022) (“The consent of the parties  
21 is not required.”).

22 “[C]onsolidation is permitted as a matter of convenience and economy in  
23 administration, but does not merge the suits into a single cause, or change the rights of  
24 the parties, or make those who are parties in one suit parties in another.” *Hall*, 138 S. Ct.  
25 at 1127. After consolidation, the suits “remain as independent as before.” *Id.*  
26 Consolidation allows the Court “merely to try cases together,” but “separate verdicts and  
27 judgments or separate decrees” remain necessary. *Id.* at 1128.

28 *FTC v. Netforce Seminars, et al*, 2:00-cv-02260-DWL, has been proceeding in


1 tandem with the above-captioned action for some time. The Court finds that they involve  
2 a common question of fact and intends to exercise its discretion to consolidate the actions  
3 and try them together. This will eliminate the need for the parties to file duplicate copies  
4 of each filing on two separate dockets. *See, e.g.*, 2:20-cv-00047-DWL Doc. 512, No.  
5 2:00-cv-02260-DWL Doc. 139 (identical filings regarding the parties' proposed trial  
6 dates). The parties already anticipate a joint trial.

7 Although the Court has the discretion to consolidate without the parties' consent,  
8 the Court prefers to invite response from the parties before taking this action.

9 Accordingly,

10 **IT IS ORDERED** that the parties shall, within one week of this order, notify the  
11 Court as to whether they object to consolidation.

12 Dated this 21st day of July, 2022.

13  
14  
15   
16 \_\_\_\_\_  
17 Dominic W. Lanza  
18 United States District Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28